UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ex parte HOSSEIN RAHNAMA[1]

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Appeal 2016-001500
Application 14/153,527
Technology Center 2100

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Before ALLEN R. MacDONALD, SHARON FENICK, and PHILLIP A.
BENNETT, *Administrative Patent Judges.*

BENNETT, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the Examiner's
Final Rejection of claims 1–16, which are all of the claims pending in this
application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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CLAIMED SUBJECT MATTER

The claims are directed to zone-oriented applications, systems and methods. "A zone can be considered a virtual object having extent and overlaid on aspects of the real-world where the zone provides access to one or more context-based services." Spec. ¶ 40. Claim 1, is the sole independent claim and is reproduced below with the disputed limitations emphasized:

> 1. A zone management system comprising:
> a database storing a plurality of zone objects each representing a zone capable of being instantiated; and
> a zone management server coupled with the database and an electronic device, and configured to:
> obtain a first zone object associated with a first zone, wherein the first zone comprises context criteria that depends on a first set of attribute boundary conditions including a geo-location dimension and a plurality of non-location dimensions in a multi-dimensional attribute space;
> *identify a set of dimensions that are contextually relevant to the electronic device from the geo-location dimension and the plurality of non-location dimensions;*
> *assign a monetary value to the set of contextually relevant dimensions*; and
> enable a device to initiate a monetary transaction related to the first zone based on the monetary value of the set of contextually relevant dimensions.

App. Br. 18 (Claims Appendix).

REJECTIONS

Claims 1–16 stand rejected under 35 U.S.C. § 103(a) as being obvious over Nadler et al. (US 2009/0131080 A1, published May 21, 2009) ("Nadler") and Robinson et al. (US 2007/0285280 A1, published Dec. 13, 2007) ("Robinson").

ISSUES FOR DECISION

(1) Has the Examiner erred in finding the cited references teach, suggest, or otherwise render obvious a zone management server configured to (a) "identify a set of dimensions that are contextually relevant to the electronic device from the geo-location dimension and the plurality of non-location dimensions;" and (b) "assign a monetary value to the set of contextually relevant dimensions," as recited in claim 1?

(2) Has the Examiner erred in finding Robinson is analogous art?

(3) Has the Examiner erred in finding Nadler and Robinson are properly combined?

(4) Has the Examiner otherwise failed to support the conclusion of obviousness with adequate findings?

OPINION

We have reviewed Appellant's argument and contentions (App. Br. 3–17) in light of the Examiner's findings, conclusions, and explanations (Final Act. 3–6; Ans. 3–9) regarding claim 1. We agree with the Examiner's findings, conclusions, and explanations, and we adopt them as our own. The following discussion is for emphasis.

First Issue

Appellant argues the cited combination of Nadler and Robinson does not teach two limitations recited in claim 1. The first limitation allegedly absent from the cited art is the limitation of a zone management server configured to "identify a set of dimensions that are contextually relevant to

the electronic device from the geo-location dimension and the plurality of non-location dimensions."

In the final Office Action, the Examiner finds paragraph 65 of Nadler teaches this limitation, explaining the location of the device, i.e., a geo-location dimension, is identified in Nadler's system, as well as the services available in the location to the device, which collectively constitute non-location dimensions. Final Act. 4. In response, Appellant argues Nadler does not teach the recited "set of dimensions" because it teaches only checking a single location-based dimension in order to identify services, applications, or content. App. Br. 6–7.

We disagree with Appellant, and find persuasive the additional explanation provided in the Examiner's Answer, which stands rebutted as no Reply Brief was filed. Ans. 4–5. The Examiner explains, and we agree, Nadler provides two specific examples of providing mobile device owners electronic coupons or promotional material based on their shopping history via the mobile device when the mobile device is detected entering a particular shop. *Id.* (citing Nader ¶¶ 85, 89). In these examples, the identified "set of dimensions" is constituted of the location of the device at the particular shop (a geo-location dimension) and the different attributes in the shopping profile of the device owner (non-location dimensions) which are used to select coupons to provide to the mobile device owner. *Id.*

Appellant also asserts the limitation "assign a monetary value to the set of contextually relevant dimensions" is absent from the cited references. The Examiner finds Robinson discloses this limitation. Final Act. 5 (citing Robinson ¶¶ 18, 35, Figs. 3, 4, and 7), Ans. 5–6 (citing Robinson ¶ 23). Appellant argues although Robinson is a toll charging service that deals with

money, it fails to contemplate a zone management server that assigns a monetary value to a set of dimensions. App. Br. 8. According to Appellant, individual users are required to manually input additional dimensions in Robinson's system, and for that reason, Robinson does not teach the limitation "assign a monetary value to the set of contextually relevant dimensions." *Id.*

We agree with the Examiner's finding Robinson discloses this limitation. As explained by the Examiner, Robinson (¶ 23) discloses a payment amount (i.e., a monetary value) is assigned in Robinson's system based on the toll location (i.e., a geo-location dimension), the license plate number, and the begin time and end time of the service (i.e., non-location dimensions). We are unpersuaded by Appellant's argument that manually entered information cannot be considered a "dimension" for two reasons. App. Br. 8 ("In Robinson, individual users are required to manually input additional 'dimensions'."). First, there is nothing in the language of the claim excluding manually-entered information from use as a dimension. Appellant is importing embodiments from the specification into the claims. Second, even if Appellant is correct the claim cannot cover user-inputted information, at least one such "dimension," the time period of the service, is not entered by a user. *See* Robinson ¶ 23.

Second Issue

Appellant also challenges the reliance on Robinson, arguing it is non-analogous art to the claimed invention. App. Br. 5, 8–9. Appellant argues his application is directed to a zone management system, which, according to Appellant, is fundamentally different from the toll service system taught by Robinson. App. Br. 5. Appellant contends Robinson is narrowly

focused, and the only overlap between Robinson and Appellant's invention is Robinson's discussion of money. *Id.* Appellant further contends Robinson deals with toll road billing technology, which is far afield from the zone management concepts of the pending claims. App. Br. 9.

The Examiner finds that Robinson describes a toll service in which a toll service provider provides service based on toll coverage area, time stamp, toll location, device location, and transport data. Ans. 3 (citing Robinson Abstract, ¶¶ 7, 18). The Examiner finds the service described in Robinson is analogous to the zone management concepts in to Appellant's application, noting Appellant's assertion at page 6 that a zone's attribute space includes dimensions such as geo-location, time, position, orientation, identity, and motion. The Examiner finds Robinson's toll zone, which is based on location, subscription coverage area, cellular user identity, and time stamps, is in the same field of endeavor and analogous to the zone management concepts in Appellant's application. *Id.*

We agree with the findings of the Examiner and are unpersuaded by Appellant's argument. Appellant seeks to narrowly categorize the teachings of Robinson as a toll-billing technology. We view the subject matter of both Robinson and Appellant's claims as being broadly focused on location-based services using mobile devices such as cellular phones. While Robinson's system focuses the location-based service in the area of toll services, it is location-based service nonetheless.

Third Issue

Appellant challenges the propriety of the combination of Nadler and Robinson. App. Br. 10–14. We have reviewed and considered Appellant's arguments, and are not persuaded of error by the Examiner. We specifically

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address the two main arguments of Appellant regarding the combination:
(1) the Examiner has not adequately explained why a skilled artisan would
have combined Nadler and Robinson (App. Br. 10–11, 14); and
(2) the combination would frustrate the purpose and operation of Nadler.

In asserting the Examiner has not adequately explained the reasons for
the combination, Appellant argues "the Examiner never made an effort to
identify any objective reasons to combine the teachings of the references."
App. Br. 12. We disagree, and refer Appellant to the first paragraph on page
6 of the final Office Action. There, the Examiner explains that a skilled
artisan would have modified Nadler's non-monetary values with Robinson's
monetary values such that mobile users could make payments in associated
zones and zone services. Final Act. 6.

According to the Examiner, "[t]he reason for the combination is [to]
offer convenience for users to enjoy services and make electronic payment
using their mobile device." *Id.* Appellant does not address this reasoning in
the Appeal Brief, so it stands unchallenged on this record. We further note
that the Examiner provided additional findings and explanation in the
Answer (Ans. 6–7) which stand unchallenged as no Reply Brief was filed.

Fourth Issue

Appellant also presents various arguments challenging the sufficiency
of the fact-finding undertaken by the Examiner. These arguments focus
mainly on the level of skill in the art and other alleged deficiencies in the
Graham analysis performed by the Examiner. Although the Examiner did
not take a formulaic, *Graham*-based approach in evaluating the claims in
light of the prior art, the Examiner's findings were grounded in the *Graham*
factors. The Examiner provided citations to the pertinent parts of each cited

reference, and provided explanations as to why those portions were pertinent to Appellant's claims. We find that the Examiner determined the level of skill in the based on the teachings of the references themselves. *Okajima v. Bourdeau*, 261 F.3d 1350, 1355, (Fed. Cir. 2001) ("[T]he absence of specific findings on the level of skill in the art does not give rise to reversible error 'where the prior art itself reflects an appropriate level and a need for testimony is not shown.'"). We find the Examiner's findings to be thorough and the conclusion of obviousness well-supported by those findings. Accordingly, we do not find Appellant's arguments regarding the sufficiency of the fact-finding to be persuasive.

Appellant does not set for any separate arguments for patentability of the dependent claims. As such, claims 2–16 fall with claim 1. 37 C.F.R. § 41.37(c)(1)(iv).

DECISION

The Examiner's rejection of claims 1–16 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED